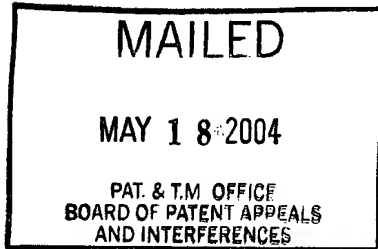




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

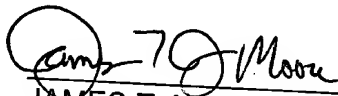
Filed by: Judge James T. Moore
Telephone: (703) 308-9797
Facsimile: (703) 305-0942



Applicant: SVENDSEN
Application No.: 09/327,563
Filed: 06/08/99
For: Alpha-amylase mutants
Accorded benefit: Patent 5,989,169, granted
11/23/99, based on application 08/600,908,
filed 02/13/96

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,206.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).


JAMES T. MOORE
Administrative Patent Judge

Filed by:

James T. Moore
Administrative Patent Judge
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
Mail Stop Interference
PO Box 1450
Arlington, VA 22313-1450
Tel: (703) 308-9797
Fax: (703) 305-0942

Filed:
18 May 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

RICHARD R. BOTT and ANDREW SHAW

Junior Party,
(Patent 5,763,385)

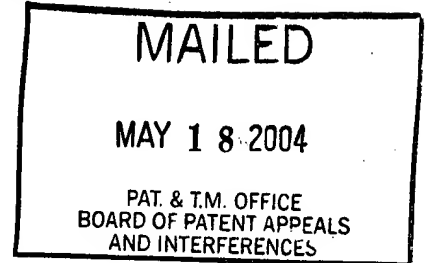
v.

ALLEN SVENDSEN, HENRIK BISGARD-FRANTZEN,
and
TORBEN BORCHERT,

Senior Party,
(Application 09/327,563).

Patent Interference No. 105,206 (JTM)

DECLARATION
(37 CFR § 1.611)



Part A. Declaration of interference

An interference is declared (35 U.S.C. 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s), and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge James T. Moore has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for action in this interference is scheduled for 1 p.m. (Eastern) on July 1, 2004 (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies the NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a longer period.

E. The parties involved in this interference are:

Junior Party

Named Inventors: RICHARD R. BOTT, Burlingame, California
ANDREW SHAW, San Francisco, California

Patent 5,763,385, issued June 9, 1998, based on application
08/645,971, filed May 14, 1996

Title: MODIFIED α -AMYLASES HAVING ALTERED
CALCIUM BINDING PROPERTIES

Accorded Benefit: None

Assignee: GENENCOR INTERNATIONAL, INC.
4 CAMBRIDGE PLACE, 1870 SOUTH WINTON ROAD
ROCHESTER, NEW YORK 14618

Attorneys: See last page

Address: See last page

Senior Party:

Named Inventors: ALLAN SVENDSEN, Birkerød, Denmark
HENRIK BISGARD-FRANTZEN, Lyngby, Denmark
TORBEN BORCHERT, Copenhagen N., Denmark

Application: 09/327,563, filed June 8, 1999

Title: ALPHA-AMYLASE MUTANTS

Accorded benefit: 08/600,908, filed February 13, 1996

Assignee: NOVOZYMES A/S
KROGSHOEJVEJ 36
DK-2880 BAGSVAERD, DENMARK

Attorneys: See last page

Address: See last page

F. Counts and claims of the parties

Count 1

Claim 1 of US Patent 5,763,385.

The claims of the parties are:

Bott: Claims 1-28

Svendson: Claims 77-81, 84-88, 90-92, 97, 113-118, 120, 192-206 and
208-213

The claims of the parties which correspond to Count 1 are:

Bott: Claims 1-28

Svendson: Claims 77-81, 84-88, 90-92, 97, 113-118, 120, 192-206 and
208-213

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference are:

Bott: None

Svendson: None

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See STANDING ORDER ¶ 3.5.

Filed on behalf of [name of party]

Paper _____¹

By: Name of lead counsel
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:
email@isp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

RICHARD R. BOTT and **ANDREW SHAW**

Junior Party,
(Patent 5,763,385)

v.

ALLEN SVENDSEN, **HENRIK BISGARD-FRANTZEN**,
and
TORBEN BORCHERT,

Senior Party,
(Application 09/327,563).

Patent Interference No. 105,206 (JTM)

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

I. Order form for requesting file copies**FILE COPY REQUEST**
Interference 105,206 (JTM)

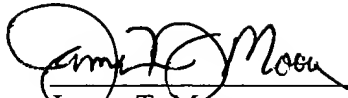
A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, ZIP code and telephone number (do not list a Post Office box because file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge


James T. Moore
Administrative Patent Judge

Date: 18 May 2004

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Form PTO-850

Copy of U.S. Patent 5,763,385

Copy of claims of 09/327,563

Copy of spreadsheet containing default times for taking action during the preliminary motion and priority phases of the interference

Revised May 2003

cc (via overnight delivery):

Counsel for Bott:

CHRISTOPHER L. STONE, ESQ.
GENENCOR INTERNATIONAL INC
925 PAGE MILL ROAD
PALO ALTO CA 94304-1013

Counsel for Svendsen:

ELIAS LAMBIRIS, ESQ.
NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK NY 10110

INTERFERENCE DIGEST

Interference No. 105,205

Paper No. 28

Name: Allan Svendsen et al.

Serial No.: 09/327,563

Patent No.

Title: Alpha-amylase mutants

Filed: 06/08/99

Interference with Bott et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, favorable Dated, 11-10-05

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.